

**LOWER PAXTON TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

Ordinance 12-02

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF LOWER PAXTON TOWNSHIP AMENDING THE LOWER PAXTON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, CHAPTER 180, ARTICLE V, SECTION 180.522, DEDICATION OF RECREATION LAND AND FEE REQUIREMENTS, AS ADOPTED BY ORDINANCE 09-16.

WHEREAS, Chapter 180 of the Codified Ordinances of Lower Paxton Township sets forth the Subdivision and Land Development Ordinance (SALDO), as adopted by Ordinance 09-15; and

WHEREAS, Article V, Section 180.522, Dedication of Recreation Land & Fee Requirements of the SALDO requires that all residential subdivision and/or land development applications submitted to the Township provide for suitable and adequate recreation space or pay a fee-in-lieu of land dedication.

NOW THEREFORE, it is hereby ordained by the Board of Supervisors of Lower Paxton Township, Dauphin County, Pennsylvania that Article V, Section 180.522, Dedication of Recreation Land & Fee Requirements of the SALDO is hereby amended to read as follows:

§ 180.522 Dedication of Recreation Land & Fee Requirements

- A. Applicability and Intent - All residential subdivision and/or land development applications submitted to the Township under this Ordinance shall provide for suitable and adequate recreation space in order to:
1. Ensure recreation areas and facilities are adequate to serve the residents of the Township.
 2. Maintain consistency with the conclusions and recommendations in the Township's Recreation and Park Plan, the Township's Greenway Plan and consistency with the Township's Comprehensive Plan regarding recreation.
 3. Ensure that all residents have the opportunity to engage in varied recreation activities which includes passive and active forms of recreation.
 4. Reduce the increasing user pressure on existing recreation areas and facilities.
 5. Reduce the possibility of overburdening the Township with the development and maintenance of many small, randomly placed recreation areas.
 6. Ensure parks and open spaces are designed to conserve sensitive natural features and are properly integrated into the community.
- B. Land Dedication versus Fee in Lieu - The Planning Commission and the Parks and Recreation Board shall recommend to the Board of Supervisors whether a land dedication or the payment of fees in lieu thereof is recommended. This recommendation shall be made at the time of the preliminary plan review or, in the case of no preliminary plan, at the final plan review by the Planning Commission and the Parks and Recreation Board; however, under no circumstances would a park land dedication or fee in lieu payment be accepted to reduce the percentage of open space otherwise required under provisions of the Township Zoning Ordinance.

The Planning Commission shall, at a minimum, consider the following points in reaching their recommendation:

1. Whether the land proposed to be dedicated would serve a valid public purpose and meet the design requirements of usable recreation space.

2. Whether the land proposed to be dedicated meets the standards of the adopted Lower Paxton Township Recreation and Park Plan.
3. Recommendations received from the Parks and Recreation Board.

~~C. Residential subdivision and/or land developments of fifty (50) lots/units or less. In order to encourage the acquisition of larger parcels for parks, recreation and open space, the Township shall encourage a fee in lieu of land dedication for subdivisions or land developments which contains fifty (50) lots/units, or less. In such instances, the Applicant shall pay a fee as set forth herein at the time of the recording of the final plan or each phase thereof. Unless the subject property is adjacent to existing park land.~~

C.D. Land Dedication Procedures and Requirements - For all residential subdivision and land development plans, the amount of land required to be dedicated to the Township for public recreational purposes shall be as follows:

1. Residential Subdivision and/or Land Development Requirements. A minimum area of one thousand ~~eight hundred and forty one (1,841)~~ (1,024 sq. ft.) square feet ~~(.0423 acres)~~ (.0235) per dwelling unit shall be provided as part of a contiguous, usable area that is contiguous to and may be combined with an existing municipal park and recreational facility.
2. Time Requirements. Land to be dedicated to the Township must be dedicated for public use immediately after the recording of the final plan phase upon which the dedicated parcel is located. The proposed deed of dedication shall include a legal description and plat of the area and shall be submitted with the final plan for approval by the Township Solicitor. Title to land to be dedicated shall be good and marketable and free and clear of all liens and encumbrances or other defects as demonstrated by a current title report or a legal opinion of title provided by the Applicant.
3. As part of the plan submission process, the Applicant shall state what improvements, if any, that the Applicant intends to make to the land to make it suitable for intended purposes, such as grading or landscaping. The land shall be stabilized and free of construction debris at the time of dedication. The site shall not contain above ground or open storm water management facilities or be comprised of land that otherwise would not be developed due to physical, environmental or other developmental limitations.

D. Developer Dedication of Useable Facilities:

The Recreation and Park Plan recommends, in part, that residential developers dedicate land within a development in an amount equal to .0235 acres (1,024 sq. ft.) per dwelling unit (single family residential lot equivalent). In practical application, the dedication of 1,024 square feet per lot could have unintended and adverse consequences. Specifically, it is not the intent of this Plan for Lower Paxton Township to encourage or accept the dedication of small, limited use, difficult to maintain tracts of land for parks and recreational facilities.

To ensure that Lower Paxton Township encourages and accepts the dedication of usable, contiguous, and combined tracts of land for parks and recreational facilities, the following conditions are required for all residential subdivision and land development plans proposing land dedication.

1. If the proposed dedication of land that does not abut an existing municipal park and recreational facility, the amount of land required shall be in an amount equal to .047 acres (2,047 sq. ft.) per dwelling unit (single family residential lot equivalent).
2. The increased acreage requirement (.0235 acres per dwelling unit to .047 acres per dwelling) provided for in paragraph 1 above does not apply to the fee-in-lieu of recreation dedication formula.
3. A minimum of 2 acres of land is required for dedication of land for a free standing park and recreational facility.

4. *If the proposed dedication of land provides less than 2 acres of land, and if said land does not abut an existing municipal park and recreational facility, then the Township shall require the payment of a fee-in-lieu of land dedication.*
5. *Nothing within this SALDO shall prohibit a developer from offering land for dedication as a park and recreational facility that is larger in area than that required by these regulations.*

E. Design Requirements for Lands to be Dedicated - The following criteria shall be considered in determining whether to approve the proposed location of and improvements to recreation areas.

1. The site shall have a minimum of one hundred fifty (150) feet of frontage on a public street and be easily accessible from all areas of the neighborhood / subdivision or land development.
2. The recreation area shall consist of one (1) contiguous tract of land and of usable proportions in terms of tract width and depth. At least seventy-five (75) percent of the tract shall have a slope of six (6) percent or less, with soil conditions suitable for establishment of proper vegetative cover (see Township Zoning Ordinance § 310 - Steep Slopes).
3. The site shall not contain utility easements or rights-of-way that would adversely affect the site, storm water management facilities, BMPs, wetlands, steep slopes (>15%), floodplain areas, or be comprised of lands that otherwise could not be developed due to physical, environmental or other limitations.
4. Whenever possible, the site shall be adjacent to other existing recreational lands to create a comprehensive recreation area.
5. The size and shape of the site should be suitable for development as a particular type of recreation area as categorized by the Township in its Recreation Plan.
6. Lands to be dedicated should be at least two (2) acres in area.
7. The site shall be located and designed to conveniently access public utilities which may be extended by the Applicant including sanitary sewer, water and electric service to be utilized by the property. If the land to be dedicated is proposed to have recreational facilities constructed by the Applicant, sufficient parking shall be constructed by the Applicant to support these facilities.
8. If the site has been disturbed or altered prior to dedication, the Applicant shall improve it as near as possible to a condition acceptable to the Township including, but not limited to, grading, topsoiling and seeding, and construction of buffering acceptable to the Township. Slopes of a 3:1 ratio or higher shall be seeded with ground cover vegetation.
9. If the subdivision site has been identified on the Township Greenway Plan, or is otherwise appropriate for construction of a greenway, the value of the greenway shall be considered as an alternative to traditional park land and/or fee-in-lieu payments. In most circumstances, the greenway shall be placed within an easement or a publicly dedicated right-of-way. Greenway development shall be in accordance with the Township Greenway Plan.
10. The proposed final condition of the tract to be dedicated shall be fully depicted on the subdivision or land development plan.

F. Fee in Lieu of Land Dedication Requirements - Where the Board of Supervisors determines that the land does not meet the requirements of Section 180-522 E, the Board of Supervisors may accept a payment of a fee in lieu of such land dedication which shall be payable to the Township as a condition of approval of the final plan by the Board of Supervisors. The amount of such fee shall be calculated using the following formula ~~based upon the required dedicated acreage (0.423~~ .0235 acres/dwelling unit) multiplied by a recent average of lot prices per acre as determined by Lower Paxton Township ~~multiplied by the development cost factor (.75).~~ The formula can also be described as a mathematical equation as follows:

$$\frac{\text{Recreation area required}}{\text{43,560 square feet}} \times \text{Average Lot Price} = \frac{\text{Development Cost Factor}}{\text{.0235 acres/dwelling unit}} \times \text{Fee-in-Lieu Payment}$$

- G. Limitations on Uses of Fees - A fee authorized under this Section shall, upon its receipt by the Township, be deposited in an interest-bearing account. Interest earned on such an account shall become funds in that account. Funds from such accounts shall be expended only to acquire lands and to design and construct new recreation facilities within the Township.
- H. Private Dedication of Land - The Board of Supervisors may accept the private reservation of the required percentage of land in lieu of public dedication. The land set aside shall be suitable in size, dimensions and topography in relationship to the proposed use; shall be convenient to the residents of the development to be served; and shall be accessible for maintenance of such recreation areas by maintaining ownership or by providing for and establishing an organization for the ownership and maintenance of the private recreation area. When a recreation area is dedicated to a private organization, the area may remain available for general public use without fees or charges except in specific cases of prior reservation of facilities. When the general public is allowed free and unrestricted use of the private recreation area, no fee-in-lieu payment is necessary. If use of the private recreation area is restricted to only residents of the development, 50% of fee-in-lieu funds shall be payable to the Township as a condition of approval of the final plan or each phase thereof.
- I. Optional Recreation Procedure - Upon agreement by the Applicant, the Township may accept the construction of recreational facilities; the donation of recreation equipment or facilities; the payment of fees in lieu of dedication; the use of easements to accommodate greenways; the private reservation of land for recreation purposes; the dedication of land located in other areas of the Township, or a combination of the above in order to satisfy the recreation requirements of a particular subdivision or land development.
- J. Timing for Contributions/Dedication - The dedication of land shall occur by transferable deed immediately following the recording of the final subdivision or land development plan for the phase in which the dedication is required. Where a payment of a fee in lieu of dedication is approved, the payment shall be made as a condition of approval of the final plan and shall be payable, in full, prior to recording of a final plan. Where recreation land or facility to be dedicated or privately developed recreation land or facility is to be developed in a later phase, the Township may require bonding in an amount to be determined by the Township Engineer to be one hundred ten (110) percent of the value of the privately owned recreation land or facility to be set aside in a later phase.
- K. Procedure - The Township Community Development Staff, upon receipt of a preliminary plan submission, shall distribute one (1) copy to the Parks and Recreation Department for review and recommendation. The review and recommendation by the Parks and Recreation Board shall include the following:
1. The amount of land required, or that a fee shall be charged in lieu of land, or that land and a fee shall be required, and/or that a stated amount of credit shall be given for Greenways, private recreation facilities or unique natural and special features.
 2. The location of the land to be dedicated, and/or Greenway locations.

A copy of the Township Parks and Recreation Board's review and recommendation shall be forwarded to the Township Planning Commission and the Township Board of Supervisors. The Applicant shall dedicate the land and/or pay the fee-in-lieu as determined by the Township Board of Supervisors before the recording of the final plan or each phase thereof.

ADOPTED this ____ day of April, 2012.

Attest:

**BOARD OF SUPERVISORS
LOWER PAXTON TOWNSHIP**

Gary A. Crissman, Township Secretary

William B. Hawk, Chairman

William C. Seeds, Sr., Vice Chairman

William L. Hornung, Supervisor

Gary A. Crissman, Supervisor

David B. Blain, Supervisor